

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <b>Ramona Featherby dba California Judicial Recovery Specialists</b>  3344 McGraw Street, San Diego, California 92117  TELEPHONE NO.: 800-354-9496 FAX NO.: 866-531-7174 ATTORNEY FOR (Name): Judgment Creditor/Assignee/Pro Se NAME OF COURT: United States District Court STREET ADDRESS: 312 North Spring Street MAILING ADDRESS: same CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: CENTRAL DISTRICT OF CALIFORNIA		FOR COURT USE ONLY  FILED - SOUTHERN DIVISION CLERK, U.S. DISTRICT COURT  MAY 26 2010  CENTRAL DISTRICT OF CALIFORNIA BY <i>[Signature]</i> DEPUTY
PLAINTIFF: ULRICH RISCHER  DEFENDANT: BANLAVOURA I INC. TRUST, ET AL		
<b>APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION</b> <input checked="" type="checkbox"/> ENFORCEMENT OF JUDGMENT <input type="checkbox"/> ATTACHMENT (Third Person) <input checked="" type="checkbox"/> Judgment Debtor <input type="checkbox"/> Third Person		CASE NUMBER:  CV 96-03886 SJO-RNB

**ORDER TO APPEAR FOR EXAMINATION**

- TO (name): Aida Esacove
- YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
  - ☒ furnish information to aid in enforcement of a money judgment against you.
  - ☐ answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
  - ☐ answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: July 15, 2010 Time: 9:30 a.m. Courtroom Number: 6D  
 Address of court ☐ shown above ☒ is: 411 W. Fourth Street Santa Ana, CA 92701

3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):

Date: 5/26/10  
 BY *[Signature]*

*[Signature]* ROBERT N. BLOCK  
 JUDGE OR MAGISTRATE JUDGE

This order must be served not less than 10 days before the date set for the examination.

**IMPORTANT NOTICES ON REVERSE****APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION**

- ☒ Judgment creditor    ☒ Assignee of record    ☐ Plaintiff who has a right to attach order  
 applies for an order requiring (name): Aida Esacove to appear and furnish information to aid in enforcement of the money judgment or to answer concerning property or debt.
- The person to be examined is
  - ☒ the judgment debtor.
  - ☐ a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
- The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
- ☐ This court is **not** the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
- ☐ The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 5-17-10

Ramona Featherby

(TYPE OR PRINT NAME)

*[Signature]*

(SIGNATURE OF DECLARANT)

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ASSIGNEE OF RECORD/JUDGMENT CREDITOR

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ULRICH RISCHER, an individual

Plaintiff,

vs.

BANLAVOURA I INC. TRUST, a  
California Corporation,  
ENGLEWOOD I INC. TRUST, a  
California Corporation,  
BANLAVOURA I INC., a California  
corporation, ENGLEWOOD INC., a  
California Corporation, LARRY  
ESACOVE, an individual, and AIDA  
ESACOVE, an individual,

Defendants.

Case No. CV 96-03886 SJO (RNBx)

**AFFIDAVIT OF RAMONA  
FEATHERBY IN SUPPORT OF  
EXAMINATION OF JUDGMENT  
DEBTOR AIDA ESACOVE**

I, the undersigned, declare:

1. I am the Judgment Creditor. I have personal knowledge of the facts set forth in this declaration, except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

1           2.     The Judgment against Larry and Aida Esacove and their entities remains  
2     unsatisfied with an outstanding balance of \$14,361,213.59 and is accruing interest at the  
3     rate of \$3,279.56 per day.

4           3.     On May 12, 2009 after losing an ex parte application for a protective order,  
5     Aida Esacove and Larry Esacove were to appear before this court in a judgment debtor  
6     exam proceeding.

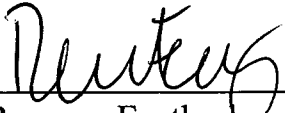
7           4.     Larry Esacove did appear before this court on May 12, 2009; however, Aida  
8     Esacove did not.

9           5.     The court chose not to find Mrs. Esacove in contempt of court. Instead, it  
10    was suggested that the Judgment Creditor initially propound interrogatories to her.  
11    Attached as Exhibit 1 are true and correct copies of the orders regarding Mrs. Esacove  
12    issued by this Court on May 12, 2009 and July 6, 2009

13          6.     I did propound interrogatories to Mrs. Esacove. Unfortunately, it was an  
14    exercise in futility. Mrs. Esacove did not cooperate, and there was no opportunity to  
15    follow up her evasive and non-responsive answers with additional questioning.

16          7.     I examined Larry Esacove in a judgment debtor proceeding on April 27,  
17    2010. Larry Esacove was unable to answer the most basic questions regarding his assets  
18    and income. For instance, on June 9, 2008 there were two checks from HSBC made  
19    payable to 'Larry and Aida Esacove' totaling \$88,000.00. Mr. Esacove could not  
20    remember what those checks were for. Neither could Mr. Esacove explain the  
21    circumstances surrounding the checks to Citibank from Avanes Stephanian written  
22    posthumously. Inasmuch as Aida Esacove is the daughter of Mr. Stephanian, she may  
23    bring clarity to the record in this and other regards. Mr. Esacove also indicated that he  
24    receives monies for support from Mrs. Esacove's family but could provide no details.  
25    Mrs. Esacove may thus testify as to the source, regularity and amounts of financial gifts  
26    received from her family.

1           8.     I declare under penalty of perjury under the United States of America that  
2 the foregoing is true and correct and that this Affidavit was executed on May 17, 2010 at  
3 San Diego, California.  
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Ramona Featherby, d.b.a.  
California Judicial Recovery Specialists  
Assignee of Record/Judgment Creditor

# EXHIBIT 1

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. CV 96-3886-SJO (RNBx) Date May 12, 2009

Title Ulrich Rischer v. Banlavoura I Inc. Trust, et al.

Present: The Honorable Robert N. Block, United States Magistrate Judge

Kerri Glover

n/a

CourtSmart

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

David Brand

Staci Jennifer Riordan

Javier C. Rivera

**Proceedings:** (JUDGMENT DEBTOR EXAMINATION)

In connection with today's judgment debtor examination, the Court issued the following rulings/orders:

1. The Court's denial yesterday of the judgment debtors' ex parte application was intended to be without prejudice to the judgment creditor seeking sanctions for the judgment creditor's expenses incurred in opposing the ex parte application.

2. The Court will not certify Aida Esacove in contempt for failing to appear for her judgment examination today. Rather, at the conclusion of the judgment debtor examination of Larry Esacove, the Court will revisit the issue of setting a new date for Mrs. Esacove's judgment debtor examination.

3. The production of documents responsive to the pending subpoenas shall be subject to the terms of the protective order (as amended) previously entered in this action. In the event of any dispute between the parties arising out of the judgment debtors' designation of documents in accordance with the terms of the protective order (e.g., over the propriety of a designation or over the restriction on the judgment creditor's ability to disclose a designated document to a third party in connection with the judgment creditor's collection efforts), the Court will expect strict compliance with Local Rules 37-1 and 37-2.

4. Notwithstanding the failure of Mr. Esacove to bring with him to today's judgment debtor examination the documents responsive to the pending subpoenas that the judgment debtors previously agreed to produce and that the Court ordered them to produce when their examinations were continued to March 31, 2009, the judgment debtor examination of Mr. Esacove shall proceed today, but it will be limited to no more than three hours of examination.

5. A presumption of confidentiality shall attach to all personal financial

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. CV 96-3886-SJO (RNBx) Date May 12, 2009  
Title Ulrich Rischer v. Banlavoura I Inc. Trust, et al.

information disclosed during the course of the Esacoves' judgment debtor examinations; however, it is not the Court's intent to restrict the judgment creditor's use of such information to pursue her collection efforts.

6. All documents in the Esacoves' possession, custody, or control responsive to the pending subpoenas shall be produced to the judgment creditor's counsel on or before June 2, 2009. If the judgment debtors' counsel chooses to withhold from production any otherwise responsive documents based on the judgment debtors' previously-filed objections, she will be subject to being sanctioned by the Court if the Court ultimately finds that the objections were either waived or asserted in violation of Federal Rule 11(b).

7. Mr. Esacove shall appear before the Court for the resumption of his judgment debtor examination on June 18, 2009 at 9:30 a.m.

cc: Judge Otero

Initials of Preparer klg

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. CV 96-3886-SJO (RNBx) Date July 6, 2009  
Title Ulrich Rischer v. Banlavoura I Inc. Trust, et al.

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Present: The Honorable Robert N. Block, United States Magistrate Judge

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<u>Kerri Glover</u>	<u>n/a</u>	<u>CourtSmart</u>
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys Present for Plaintiffs: David Brand Attorneys Present for Defendants: Javier C. Rivera

**Proceedings:** (RESUMED JUDGMENT DEBTOR EXAMINATION)

Case called. Counsel make their appearances. Judgment debtor Larry Esacove also present.

After hearing from counsel about the current status of the Esacoves' compliance with the Court's previous order to produce all documents in their possession, custody, or control responsive to the pending subpoenas directed to them, Court advises that judgment creditor will be afforded the option of either proceeding with and completing Mr. Esacove's resumed judgment debtor examination today or proceeding with and completing it on a future date. Judgment creditor elects first option. Court then has Mr. Esacove sworn in and confirms that he understands the ground rules for the examination.

Later in the afternoon, at the request of judgment creditor's counsel, Court again takes the bench. Judgment creditor explains that he just wanted to state for the record that judgment creditor is reserving her right to proceed with the examination of Mrs. Esacove. After discussing this and related issues with both counsel, Court suggests that judgment creditor consider the possibility of propounding interrogatories to the Esacoves. Court also provides guidance for the protective order that it envisions the parties should enter into. Court then excuses Mr. Esacove and adjourns today's proceedings.

cc: Judge Otero

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. CV 96-3886-SJO (RNBx) Date July 6, 2009

Title Ulrich Rischer v. Banlavoura I Inc. Trust, et al.

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